

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

EBONY HICKS,)
Plaintiff,)
vs.)) CASE NO.:
LAKE COUNTY SHERIFF DEPARTMENT,)
Defendants.)

COMPLAINT AND DEMAND FOR JURY TRIAL

This is an action brought by Plaintiff, Ebony Hicks (“Hicks”), by counsel, against Lake County Sheriff Department (“LCSD” or “Defendant”), for violating the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq. (“ADA”), as amended by the ADA Amendments Act of 2008 (“ADAAA”), for failing to accommodate her, as well as for retaliating against Plaintiff because she engaged in protected activity.

I. JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 USC §1331, § 1337, and §1343. This action is being brought pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et. seq.
2. This Court also has jurisdiction to grant injunctive and declaratory relief and award damages pursuant to 42 U.S.C. § 12117.
3. Hicks filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) on or about September 30, 2020. The EEOC issued its Dismissal and Notice of Rights on February 18, 2021. (See Exhibit A). This action is timely filed within ninety (90) days of Plaintiff’s receipt of the EEOC decision.

4. Venue is proper in the Northern District of Indiana, Hammond, Division, as the parties reside and/or conduct business in Crown Point, IN and the discriminatory conduct occurred in Lake County, Indiana, within the jurisdiction of the United States District Court for the Northern District of Indiana, Hammond Division.

II. PARTIES

5. Hicks is a citizen of the United States of America, and a resident of Lake County, Indiana.

6. At all relevant times, Hicks was an employee of Defendant, LCSD

7. Defendant, LCSD is a law enforcement agency that provides police and corrections services to the residents of Lake County.

8. Defendant has more than fifteen (15) employees and satisfies the definition of an “employer,” as that term is defined in Section 101 of the ADA, 42 U.S.C. § 12111(5)(A)

III. FACTUAL ALLEGATIONS

9. Hicks began her employment with Defendant in October 2018.

10. At all relevant times, Hicks was a Corrections Officer.

11. Plaintiff suffers from various disabilities.

12. Plaintiff’s supervisors, including the Deputy Warden of Personnel, Kimberly Cox, were aware of her disabilities.

13. Cox harassed, ridiculed, insulted, and embarrassed Plaintiff based on her disability.

14. Cox improperly disclosed Hick’s medical information.

15. Plaintiff was approved for a reasonable accommodation.

16. Cox threatened termination based on Plaintiff’s exercise of the accommodation.

17. LCSD supervisors refused to honor Plaintiff’s approved accommodation.

18. Plaintiff was disciplined for complaining about discrimination.
19. Hicks has suffered, and continues to suffer, damage to her career and reputation, mental and physical anguish, loss of opportunity, and income, as well as other financial losses.

IV. LEGAL ALLEGATIONS

COUNT 1- VIOLATION OF THE ADA- DISABILITY DISCRIMINATION AND RETALIAITON

20. Plaintiff hereby incorporates by reference and repleads all allegations set forth in paragraphs 1-19.
21. Plaintiff is disabled within the meaning of the ADA, in that she has a physical impairment that substantially limits a major life activity.
22. Plaintiff is a qualified individual with a disability.
23. At all relevant times, Defendant was aware of Plaintiff's disability.
24. Defendant harassed Plaintiff based on her disability.
25. Defendant retaliated against Plaintiff based on her disability.
26. Defendant's treatment of Plaintiff because of her disability was in violation of the ADA.
27. Defendant's acts or omissions in this matter amounted to discrimination against the Plaintiff based on her disability.
28. Plaintiff has suffered and continues to suffer harm as a result of Defendant's unlawful actions.

COUNT II- VIOLATION OF ADA
FAILURE TO ACCOMMODATE

29. Plaintiff hereby incorporates by reference and repleads all allegations set forth in paragraphs 1-28.
30. Plaintiff is a qualified individual with a disability.
31. Defendant failed to honor Plaintiff's reasonable accommodation.
32. In the alternative, Defendant denied Plaintiff a reasonable accommodation.
33. Defendant discriminated against Plaintiff based on her disability.
34. Plaintiff has suffered and continues to suffer harm as a result of Defendant's unlawful actions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Ebony Hicks, by counsel, does hereby request the following as relief:

1. Enter judgment in favor of Plaintiff;
2. Enjoin Defendant from committing further acts of discrimination and retaliation;
3. Award lost wages, front pay, and associated benefits due to the denial of Plaintiff's statutory rights;
4. Award compensation for any and all other damages suffered as a consequence of Defendant's unlawful actions.
5. Award compensatory damages;
6. Award compensation for all past and future pecuniary and non-pecuniary losses, including emotional pain, inconvenience and humiliation;
7. Award liquidated damages;

8. Award punitive damages;
9. Award all costs and attorney's fees incurred as a result of pursuing this action;
10. Award pre- and post-judgment interest in all sums recoverable; and
11. Award all other legal and/or equitable relief this Court deems just and proper.

Respectfully submitted,
CURLIN & CLAY LAW,
ASSOCIATION OF ATTORNEYS

s/Robin C. Clay

Robin C. Clay, 22734-49
8510 Evergreen Ave. Suite 200
Indianapolis, IN 46240
Telephone (317) 202-0301
Facsimile (317) 282-0688
E-mail: rclay@curlinclaylaw.com

DEMAND FOR TRIAL BY JURY

Plaintiff respectfully requests a jury trial as to all issues deemed triable.

Respectfully submitted,
CURLIN & CLAY LAW,
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